

REMARKS

Applicants note that the claims as filed in the subject application did not include a claim 8. Accordingly, claims 1-7, 9-24 and 31-32 were pending in the subject application. Applicants have hereinabove amended claims 31 and 32, and canceled claims 1-7 and 9-23. Claims 24 and 31-32 are now pending in the subject application.

Claims 31 and 32 have been amended to delete dependency from cancelled claim 1 and to depend from claim 24.

No new matter is added by these amendments and Applicants respectfully request their entry.

Applicants are pleased to learn that in view of Applicants response filed on April 7, 2006, the Examiner has withdrawn all rejections under 35 U.S.C § 112, ¶¶ one and two; the Examiner has withdrawn his rejections under 35 U.S.C § 102(e) with regard to U.S. Patent Publication No. 2003/0171359 to Dahmann et al. ("Dahmann") and U.S. Patent Publication No. 2003/0134838 to Bornemann et al.¹ ("Bornemann"); and the Examiner has withdrawn his rejections under 35 U.S.C § 103(a) with regard to Bornemann.

Applicants also wish to thank Examiner Balasubramanian for the courtesy of an interview held on August 23, 2006.

I. Claim Rejections under 35 U.S.C. §102(e)

Claims 1-23 and 31-32 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by International Publication No. WO 03/030909 to Nagarathnam et al. ("Nagarathnam") for the reasons set forth in the Office Action.

Applicants disagree with the Examiner's assessment of the novelty of claims 1-7, 9-23 and 31-32 with regard to Nagarathnam. However, in order to advance the allowance of this application, claims 1-7 and 9-23 have been cancelled, and claims 31 and 32 have been amended to depend from pending claim 24.

In view of the above, Applicants respectfully submit that amended claims 31-32 (claims 2-7 and 9-23 having been cancelled) are not anticipated by Nagarathnam, and request that the rejection of claims 31-32 under 35 U.S.C § 102(e) be withdrawn.

II. Claim Rejections under 35 U.S.C. §103(a)

Claims 1-23 and 31-32 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Dahmann; and claims 1-23 and 31-32 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nagarathnam for the reasons set forth in the Office Action.

¹ Applicants note that the Office Action incorrectly refers to the Bornemann reference as U.S. Patent Application Publication No. 2005/0009853, which, of course, is the publication number of Applicants application (see page 16 of the Office Action). Applicants believe that the Bornemann reference is U.S. Patent Publication No. 2003/013438 (see Reference "B" in the Notice of References Cited mailed December 7, 2005).

Applicants disagree with the Examiner's assessment of the obviousness of claims 1-7, 9-23 and 31-32. However, in order to advance the allowance of this application, claims 1-7 and 9-23 have been cancelled, and claims 31 and 32 have been amended to depend from pending claim 24.

In view of the above, Applicants respectfully submit that amended claims 31-32 (claims 2-7 and 9-23 having been cancelled) are not obvious over Dahmann or Nagarathnam, and request that the rejection of claims 31-32 under 35 U.S.C. § 102(e) be withdrawn.

III. Provisional Rejection of Claims 1-30 under the Judicially Created Doctrine of Obviousness Double Patenting

The Examiner provisionally rejected claims 1-24 and 31-32 under the judicially created doctrine of double patenting as allegedly being unpatentable over claims 1-32 of copending Application No. 11/127,676, filed May 12, 2005. The Examiner also provisionally rejected claims 1-24 and 31-32 under the judicially created doctrine of double patenting as allegedly being unpatentable over claims 1-27 of copending Application No. 11/124,006 filed May 6, 2006.

The Examiner provisionally rejected claims 1-24 and 31-32 under the judicially created doctrine of double patenting as allegedly being unpatentable over claims 1-26 of copending Application No. 11/122,515, filed May 5, 2005. Applicants note that a Notice of Allowance was mailed on August 9, 2006 in connection with the '515.

The Examiner provisionally rejected claims 1-24 and 31-32 under the judicially created doctrine of double patenting as allegedly being unpatentable over claims 1-46 of copending Application No. 10/733,215, filed December 11, 2003. The Examiner also provisionally rejected claims 1-24 and 31-32 under the judicially created doctrine of double patenting as allegedly being unpatentable over claims 1-17 of copending Application No. 11/127,809. Applicants note that the issue fees in the '215 and '809 applications were paid on June 9, 2006 and May 3, 2006, respectively.

Therefore, without conceding the propriety of the instant rejections and purely in the interests of advancing the prosecution in this case, this response is accompanied by a Terminal Disclaimer as to the '215, '809 and '515 applications and a Statement under 37 C.F.R. § 3.73(b).

CONCLUSION

For the reasons set forth hereinabove, Applicants respectfully request that the Examiner reconsider the rejections set forth in the June 28, 2006 Office Action and earnestly solicit allowance of the claims pending in the subject application. No additional fee is believed due. However, if any fee is due, the Examiner is authorized to charge the fee to Applicants' Deposit Account No. 16-1445.

If the Examiner wishes to comment or discuss any aspect of this application or response, Applicants' undersigned attorney invites the Examiner to call him at the telephone number provided below.

Respectfully submitted,

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